



2134
#2
P/3013-11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Martin Nitsche et al.

Date: August 12, 2003

International Appln. No.: PCT/EP00/01772

International Filing Date: March 3, 2000

U.S. Serial No.: 09/941,981

Priority Date: March 5, 1999

For: METHOD FOR CONTROLLING A HYDRODYNAMIC STRUCTURAL UNIT AND
CONTROL DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

AUG 18 2003

Technology Center 2100

REQUEST FOR RECONSIDERATION OF DECISION ON

PETITION UNDER 37 C.F.R. § 1.181

RECEIVED
AUG 20 2003
TC 2100

Sir:

It is submitted that the Decision on Petition in the above noted matter is an error and that the Petition should have been granted.

As noted at the first paragraph on page 2, Applicant submitted the Petition on 13 August 2002. A copy of the signed Declaration had been attached, which the undersigned avers had been filed with the Communication of 7 November 2001. The undersigned told the truth then and now as well.

The Declaration to which the decision referred bears a date 01-09-03. It was signed by German citizens in Europe, who have their own way of dating, year first, month second, date third. The Declaration was signed September 3, 2001, two days before Applicants filed the Transmittal Letter for entry into the National Phase and about one and one-half months before Applicants submitted the signed Declaration, dated 01-09-03 in response to the Notice of Missing Requirements.

A copy of the letter to the undersigned sent by facsimile on September 10, 2001 enclosing the signed Declaration is also attached. The executed Declaration enclosed with that letter was the same one filed in response to the Notice of Missing Requirements.

Since the original Petition by the undersigned on behalf of Applicants, along with a copy of the Declaration of 01-09-03, was filed in August 2002, it is not possible or reasonable that the Declaration would have been dated by both signatories on January 9, 2003, five months later. In fact the Declaration date has been misread.

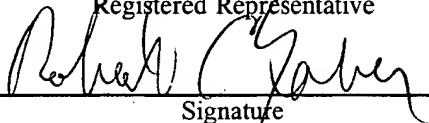
The undersigned again avers that the Declaration submitted on 13 August 2002 is a true copy of the Declaration filed in Response to the Notice of Missing Requirement on 7 November 2001 (not 7 August 2001, which is a typographical error in the decision).

Accordingly, in view of the foregoing and the statements of the undersigned, which the undersigned avers are true, the original Petition to Withdrawn the Notice of Abandonment should be granted.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 12, 2003:

Robert C. Faber

Name of applicant, assignee or
Registered Representative

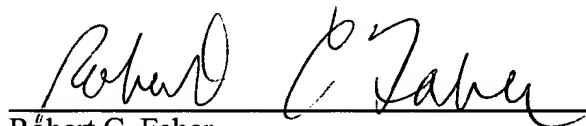


Signature

August 12, 2003

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF:mjb

DR. WEITZEL & PARTNER PATENTANWÄLTE

Fax und Post

3. Seiten

Dr. Weitzel & Partner, Friedenstr. 10, D-69522 Heidenheim

Ostrolenk, Faber, Gerb & Soffen
1180 Avenue of the Americas

New York, N.Y. 10036-8403
U.S.A.

OSTROLENK, FABER,
GERB & SOFFEN

SEP 10 2001

Patentanwälte
European Patent Attorneys
European Trademark Attorneys

Dr. Wolfgang Weitzel, Dipl.-Ing.
Dr. Michael Sawodny, Dipl.-Phys.
Annegret Koch, Dipl.-Ing.

RECEIVED

Datum: September 10, 2001

G 05609US/sp013827/sp

*with thanks**S. Pöschel*

Betreff / Re: / Objet / Asunto:

Ihr Zeichen: P/3013-11

Unser Zeichen: G 05609US

Sie erhalten mit der Bitte um / We submit for / Vous recevez pour / Reciben Vds.
para:

☐ Kenntnisnahme
information
information
information

☒ Creditgung
settlement
réglement
arreglo

☐ Weitergabe an
transmission to
transmission à
transmission a

☐ Prüfung
verification
contrôle
control

☐ Stellungnahme
comments
commentaires
commentarios

☒ Weiterbearbeitung
further action
suite à donner
para estudios ulteriores

☐ Genehmigung
approval
approbation
aprobacion

☐ Ergänzung Ihrer Unterlagen
supplementation of your records
complément de votre documentation
complementamiento de su documentación

☐ Rückgabe
return
réexpédition
devolucion

folgende Unterlagen/the following documents/la documentation suivante/la
siguiente documentación:

Executed Declaration and Assignment
Please confirm receipt by facsimile!

DR. WEITZEL & PARTNER

per:

S. Pöschel

Deutsche Bank 24 Heidenheim (BLZ 613 700 24) Konto-Nr. 200 44 14 SWIFT: Dotsd6616
Heidenheimer Volksbank (BLZ 632 901 10) Konto-Nr. 102 882 003
Postbank Stuttgart (BLZ 600 100 70) Konto-Nr. 183 180 704
VAT-Nr. DE812282711

Telefon: (0 73 21) 93 52 0
Telefax: (0 73 21) 93 52 49
e-mail: weitzel.patent@t-online.de
Amtsgericht Heidenheim PR3